

Remarks

Applicants respectfully request that the above amendments be entered after final as they are made in compliance with the Examiner's requirements which were first raised in the final Office Action dated March 8, 2005, and address inadvertent errors present in the figures as filed and amended.

Reconsideration of this Application is respectfully requested.

By this amendment, Applicants seek to insert replacement FIGS. 8A-8C in place of FIGS. 8A-8C provided in the Amendment and Reply Under 37 §1.111 filed on December 14, 2004. In addition, Applicants seek to enter an amended paragraph providing a brief description of replacement FIGS. 8A-8C after paragraph 0037, on pages 14-15 of the specification as originally filed. Support for these amendments can be found in the specification as originally filed on page 25, paragraph 0071, wherein U.S. Patent No. 5,668,005 (the '005 patent) is incorporated by reference. The '005 patent discloses the amino acid sequence represented by SEQ ID NO: 6 and provides support for the description of FIGS. 8A-8C at column 9, lines 4-7. Since the '005 patent was incorporated by reference in its entirety into the present specification as originally filed, the foregoing amendments to the drawings and specification do not add new matter to the specification. *See* MPEP § 608.01(p).

Upon entry of the foregoing amendments, claims 91-101, 103, 107, 110-112, 114-117, 119 and 120 are pending in the application, with 91 and 103 being the independent claims. None of the claims have been amended. The listing of claims is reproduced herein for the Examiner's convenience.

Based on the above amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objection to the Specification

On page 2 of the Final Office Action dated March 8, 2005, the Examiner objects to the specification for allegedly failing to provide SEQ ID NOs in the description of Fig. 8 for the sequences presented therein. By the amendments presented herein, Applicants provide SEQ ID NOs for the DNA sequence (SEQ ID NO:5) and the amino acid sequence (SEQ ID NO: 6) in the paragraph providing the description of replacement FIGS. 8A-8C. Thus, the objection to the specification is now moot. Reconsideration and withdrawal of the objection to the specification are therefore respectfully requested.

Objections to the Drawings

On page 3 of the Final Office Action dated March 8, 2005, the Examiner objects to the drawings provided in FIGS. 8A-8C for allegedly containing an error of duplication of nucleotides 1379-1438, and, consequently, a duplication of the amino acid sequence between amino acids 121-140. By the amendments presented herein, Applicants provide replacement drawings of FIGS. 8A-8C, which have been amended to remove the duplication of nucleotides 1379-1438 and, consequently, amino acids 121-140. Thus, the objection to the drawings is now moot. Reconsideration and withdrawal of the objection to the drawings are therefore respectfully requested.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 91-101, 103, 107, 110-112, 114-117, 119 and 120 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner alleges that because claims 91 and 103 recite "the polymerase domain of MMLV reverse transcriptase which has the amino acid sequence of SEQ ID NO: 6 in the wild type form" and the sequence submitted as SEQ ID NO: 6 contains an error of amino acids 121-140 being duplicated, the amino acids with numbers above 120 are not the ones that the Applicants claim. Thus, the Examiner alleges that the metes and bounds of these claims are not clear. Applicants have amended SEQ ID NO: 6 herein to remove the duplication of amino acids 120-141. As such, this rejection is now moot. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are therefore respectfully requested.

Obviousness-Type Double Patenting Rejection

Claim 91, 100, 107, 110, 111, 112, 114, 115, 117, 119, 120 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 19, 20, 22, 23, 25, 26, 28 and 29 of copending Application No. 09/845,157. It was alleged that claims 19, 20, 22, 23, 25, 26, 28 and 29 of copending Application No. 09/845,157 are species of claims 91, 100, 107, 110, 111, 112, 114, 115, 117, 119 and 120 of the instant application.

Applicants respectfully disagree with the reasoning set forth in the Office Action at pages 4-6 to support this rejection. Nevertheless, solely to expedite allowance of the present application, Applicants submit herewith a terminal disclaimer over copending Application No. 09/845,157. Thus, the rejection for obviousness-type double patenting has been fully accommodated and should be withdrawn.


Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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